

Attorney Docket No. 1454.1610

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Elena COSTA et al.

Application No.: (Unassigned)

Group Art Unit: (Unassigned)

Filed: (Concurrently)

Examiner: (Unassigned)

For: METHOD FOR RADIO SYSTEM RESOURCE MANAGEMENT

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a.  Form PTO-1449.
- 1b.  Copy(ies) of IDS citation(s), except for U.S. Patents and U.S. Patent Application publications.
- 1c.  English language copy of a communication(s) from a foreign Patent Office or a PCT International Search Report.
- 1d.  English language translation (complete, Abstract or relevant portion(s)) attached to non-English language publications as indicated on the attached Form PTO-1449.
- 1e.  Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of non-English publications.
- 1f.  List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g.  List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2.  This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

*(Check either Item 2a or 2b or 2c or 2d)*

- 2a.  Within three months of the filing date of a national application;
- 2b.  Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c.  Before the mailing of a first Office Action on the merits; or
- 2d.  Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3.  This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

*(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*

3a.  The § 1.97(e) Statement in Item 5 below is applicable; OR  
 3b.  The \$180.00 fee set forth in 37 CFR § 1.17(p) is:  
 enclosed.  
 to be charged to Deposit Account No. 19-3935.

4.  This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

4a.  The § 1.97(e) Statement in Item 5 below is applicable; AND  
 4b.  The \$180.00 fee set forth in 37 CFR § 1.17(p) is:  
 enclosed.  
 to be charged to Deposit Account No. 19-3935.

5.  Statement under § 1.97(e) (applicable if Item 3a or Item 4a is checked)

*(Check either Item 5a or 5b)*

5a.  In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.  
 5b.  In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6.  This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

*(Check appropriate Items 6a and/or 6b)*

6a.  Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).  
 6b.  Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7.  This is a Request for Continued Examination under 37 CFR § 1.114.  
(Check either Item 7a or 7b)

7a.  The Issue Fee has not been paid.

7b.  A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A Request for Continued Examination under 37 CFR § 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.114(a), respectively.

8.  This is a Supplemental Information Disclosure Statement.  
(Check either Item 8a or 8b)

8a.  This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on \_\_\_. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on \_\_\_.

8b.  This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §§ 1.97 and 1.98, mailed \_\_\_.

9.  In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:  
(Check appropriate Items 9a, 9b, 9c and/or 9d)

9a.  satisfied for the non-English language publication(s) cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed., Rev. 2)

9b.  set forth in the application.

9c.  satisfied for the non-English language publication(s) indicated on the attached Form PTO-1449 as having an English language translation (complete or relevant portion(s)) attached thereto.

9d.  enclosed as Attachment 1(e), hereto.

10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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Sheet 1 of 1  
APPLICATION NO.

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 1454.1610	
INFORMATION DISCLOSURE STATEMENT		FIRST NAMED INVENTOR Elena COSTA	
(Use several sheets if necessary)		FILING DATE (Concurrently)	GROUP ART UNIT

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA	5,257,398	10/26/1993	SCHAEFFER			
	AB	5,956,642	09/21/1999	LARSSON et al.			
	AC	6,192,026	02/20/2001	POLLACK et al.			
	AD	2002/0015382	02/7/2002	FUKUDA			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO	ABSTRACT
	AE	02/49385 A2	06/20/2002	WIPO		
	AF	1 178 641	02/06/2002	Europe		
	AG	198 00 953 C1	01/13/1998	Germany		X

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION  
YES NO

AH	KIM et al., "Enhanced capacity in CDMA Systems with Alternate Frequency Panning", 1998 ieee International Conference on Communications, June 1998, pp. 973-978		
AI	SUZUKI et al., "Frequency Re-using Pattern for Forward Link of Orthogonal CDMA Cellular Systems", IEICE Transactions on Communications, Vol. E77-B, No. 6, June 1994, pp. 838-842		
AJ	WANG et al., "Frequency reuse scheme for cellular OFDM Systems"; Electronics Letters, Vol. 38, No. 8, April 2002, 2 pages		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

10/532346

JC13 Rec'd PCT/PTO 22 APR 2005

**ATTACHMENT 1(e)**

	ATTORNEY DOCKET NO.	APPLICATION NO.
<b>EXPLANATIONS OF RELEVANCY OF REFERENCES</b>	1454.1610	
	FIRST NAMED INVENTOR	
	Elena COSTA	
	FILING DATE (Concurrently)	GROUP/ART UNIT

A translation of the German Examiner's comments regarding the relevance of Reference AG is, "a cellular communication system with application of a OFDM multiple carrier procedure with which the mobile stations segments of a frequency band, which consist of one or more subcarriers within the frequency band, are assigned. The procedure refers however only to a connection between a mobile station and a base station."